

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS,
et al.,

Defendants,

v.

VIRGINIA HOUSE OF DELEGATES, *et al.*,

Intervenor-Defendants.

Civil Action No. 3:14-cv-00852-REP-
GBL-BMK

**PLAINTIFFS' MOTION FOR EXPEDITED BRIEFING AND MEMORANDUM IN
SUPPORT**

Pursuant to Local Civil Rule 7, Plaintiffs hereby move this Court for an order setting an expedited schedule for briefing regarding the effect of the U.S. Supreme Court's decision in *Bethune-Hill v. Virginia State Board of Elections*, No. 15-680, 2017 WL 774194 (Mar. 1, 2017), on this case. Plaintiffs respectfully request that this Court set the following briefing schedule:

- March 10, 2017: All parties' opening briefs are due.
- March 17, 2017: All parties' response briefs are due.¹

The Supreme Court issued its decision on the appeal of this case on March 1, 2017.² It

¹ After conferring with legal counsel for Defendants and Defendant-Intervenors, Plaintiffs submit this motion without request for oral argument. Moreover, Plaintiffs respectfully request that the Court consider the parties' briefing on the impact of the Supreme Court's decision on this case and render its decision on remand without any further hearings or argument.

² See Exhibit A.

concluded that this Court applied an incorrect legal standard in determining that race did not predominate in eleven of the twelve challenged districts and remanded the case to this Court to resolve under the proper legal standard set forth by the Supreme Court. *Id.* at *11.

Expedited briefing and decision in this case is necessary given that Virginia will hold its House of Delegates elections this year. This case involves questions of exceptional importance, including whether the Virginia House of Delegates map was unconstitutionally racially gerrymandered following the 2010 census, and whether a remedial map is necessary, that must be resolved as soon as is practicable to ensure that Virginia voters do not vote in another election under an unconstitutional map.

Accordingly, Plaintiffs respectfully request that the Court enter an order setting the expedited briefing schedule above. Plaintiffs have conferred with legal counsel for Defendants and Defendant-Intervenors, and understand that Defendant-Intervenors oppose the motion and Defendants neither support nor oppose the motion.

DATED: March 3, 2017

By: /s/ Aria C. Branch

Marc Erik Elias (admitted *pro hac vice*)
Bruce V. Spiva (admitted *pro hac vice*)
Elisabeth C. Frost (admitted *pro hac vice*)
Aria C. Branch (VSB # 83682)

PERKINS COIE LLP

700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: 202.434.1627
Facsimile: 202.654.9106

Kevin J. Hamilton (admitted *pro hac vice*)

Abha Khanna (admitted *pro hac vice*)

Ryan Spear (admitted *pro hac vice*)

William B. Stafford

(admitted *pro hac vice*)

PERKINS COIE LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

Telephone: 206.359.8000

Facsimile: 206.359.9000

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

On March 3, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Katherine Lea McKnight
Richard Raile
Baker & Hostetler LLP (DC)
1050 Connecticut Ave NW
Suite 1100
Washington, DC 20036
202-861-1504
Fax: 202-861-1783
rraile@bakerlaw.com
kmcknight@bakerlaw.com

Effrem Mark Braden
Baker & Hostetler LLP (DC-NA)
Washington Square
Suite 1100
1050 Connecticut Ave NW
Washington, DC 20036
202-861-1504
Fax: 202-861-1783
mbraden@bakerlaw.com

Of counsel:

Dale Oldham, Esq.
1119 Susan St.
Columbia, SC 29210
803-772-7729
dloesq@aol.com

Attorneys for Defendant-Intervenors

Jeffrey P. Brundage
Daniel Ari Glass
Kathleen Angell Gallagher
Eckert Seamans Cherin & Mellott LLC
1717 Pennsylvania Ave NW, Suite 1200
Washington, D.C. 20006
202-659-6600
Fax: 202-659-6699
jbrundage@eckertseamans.com
dglass@eckertseamans.com
kgallagher@eckertseamans.com

Godfrey T. Pinn, Jr.
Harrell & Chambliss LLP
Eighth and Main Building
707 East Main Street
Suite 1000
Richmond, VA 23219
gpinn@hclawfirm.com

Anthony F. Troy
Eckert Seamans Cherin & Mellott LLC
707 East Main Street
Suite 1450
Richmond, Virginia 23219
804-788-7751
Fax: 804-698-2950
ttroy@eckertseamans.com

Stuart A. Raphael
Trevor B. Cox
Matthew R. McGuire
Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219
804-786-7773
sraphael@oag.state.va.us
tcox@oag.state.va.us
mmcguire@oag.state.va.us

Attorneys for Defendants

By /s/ Aria C. Branch
Aria C. Branch (VSB #83682)
Perkins Coie LLP
700 13th St. N.W., Suite 600
Washington, D.C. 20005-3960
Phone: (202) 654-6338
Fax: (202) 654-9106
ABranch@perkinscoie.com

Attorneys for Plaintiffs